

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

APPALACHIAN VOICES, et al.,))
)	
Petitioners,)	
v.)	
)	No. 20-2187 (lead)
UNITED STATES)	
ENVIRONMENTAL PROTECTION)	
AGENCY, et al.,)	
)	
Respondents.)	
)	

STATUS REPORT

Respondents (collectively, “EPA”) submit this status report in accordance with this Court’s April 8, 2022 and January 8, 2025 orders.

1. These consolidated petitions for review challenge an EPA rule titled “Steam Electric Reconsideration Rule,” 85 Fed. Reg. 64650 (Oct. 13, 2020) (“2020 Rule”).

2. In July 2021, EPA announced its intention to conduct a notice-and-comment rulemaking to reconsider the 2020 Rule and moved to hold these cases in abeyance pending completion of the rulemaking. Mot. to Hold Case in Abeyance (July 26, 2021), Doc. No. 62-1; 86 Fed. Reg. 41801 (Aug. 3, 2021).

3. On April 8, 2022, the Court granted EPA’s motion and placed these cases into abeyance pending the completion of EPA’s rulemaking. Order (Apr. 8, 2022), Doc. No. 83. The Court ordered EPA to file status reports at thirty-day intervals. *Id.*

4. EPA finalized its reconsideration of the 2020 Rule in 2024. 89 Fed. Reg. 40198 (May 9, 2024) (“2024 Rule”).

5. Multiple parties challenged the 2024 Rule in various petitions for review filed in several circuits. Under the multicircuit petition process in 28 U.S.C. § 2112(a), the Judicial Panel on Multidistrict Litigation selected the Eighth Circuit as the court in which to consolidate those petitions. *In re: Environmental Protection Agency, Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Generating Point Source Category*, 89 Fed. Reg. 40198, Published on May 9, 2024, MCP No. 187 (J.P.M.L. June 14, 2024); *Sw. Elec. Power Co. v. EPA*, No. 24-2123 (8th Cir.) (lead). The Eighth Circuit litigation remains pending.

6. On January 8, 2025, the Court granted EPA’s motion to modify the status report interval to 90 days. Order (Jan. 8, 2025), Doc. No. 134. The Court also directed EPA to file a status report within 14

days of a decision, or other significant litigation development, in the Eighth Circuit cases challenging the 2024 Rule.

7. On February 28, 2025, the Eighth Circuit issued an order granting EPA's motion to hold the 2024 Rule challenges in abeyance. Order, *Sw. Elec. Power Co. v. EPA*, No. 24-2123 (8th Cir. Feb. 28, 2025), Doc. No. 5491197. The Eighth Circuit directed EPA to file a motion requesting further scheduling or resolution of the matter by April 29, 2025. *Id.*

8. Because judicial review of the 2024 Rule remains pending in the Eighth Circuit, this Court should continue to hold these petitions in abeyance. EPA will file another status report in 90 days or within 14 days of a decision, or other significant litigation development, in the Eighth Circuit cases.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 14, 2025, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Tsuki Hoshijima